

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

ERIE INSURANCE COMPANY,)	
)	
Plaintiff/Counter-Defendant,)	
)	
vs.)	No.: 3:19-cv-00375-TRM-HBG
)	
CLAIRE RAUSER AND CAROL)	
RAUSER,)	
)	
Defendant/Counter-Plaintiffs,)	
)	
)	
AND)	
)	
CLAIRE RAUSER AND CAROL)	
RAUSER,)	
)	
Third-Party Plaintiffs,)	
)	
vs.)	
)	
HITSON INSURANCE, INC., BRYAN)	
INSURANCE GROUP, MATTHEW)	
BRYAN, AND MICHELE SELF,)	
)	
Third-Party Defendants.)	

**DEFENDANT/COUNTER-PLAINTIFFS/THIRD-PARTY PLAINTIFFS’
PRE-TRIAL DISCLOSURES**

Defendants/Counter-Plaintiffs/Third-Party Plaintiffs Claire Rauser and Carol Rauser (“Rausers”), by and through counsel, pursuant to the Fed. R. Civ. P. 26(a)(3), make the following Pre-Trial Disclosures:

WITNESSES

The Rausers expect to call the following witnesses:

1. Claire Rauser
2. Keith Doak
3. Sean Ragland
4. Nicole Shields
5. Mark Trigilio
6. Leanne Berndt
7. Scot Morganson
8. Matthew Bryan
9. Michele Self
10. Caitlin Cook
11. Darryl Martin
12. Brent Blalock

The Rausers may call the following witnesses if the need arises:

1. Carol Rauser
2. Farron Bolton
3. Heather Pace
4. Keith Edmonds
5. Lance Blair
6. Aaron Lehnert
7. Matt Peterson
8. Byron Hartzler
9. James Mahurin

10. Bernard Heinze

11. David Conners

12. Any individuals named by the Plaintiff (Erie) and/or the Third-Party Defendants.

13. Unknown impeachment witnesses.

DEPOSITION DESIGNATIONS

The Rausers reserve the right to use or offer any deposition excerpts used or offered by Plaintiff or Third-Party Defendants in this matter. The Rausers further reserve the right to designate additional testimony of these and other witnesses for cross examination, impeachment, and/or in rebuttal if necessary. To the extent there is a video recording of any of the following depositions, the Rausers may introduce the portions of the video recording which correspond to the page and line numbers identified below.

LEANNE BERNDT TAKEN ON SEPTEMBER 14, 2020

START		END	
PAGE	LINE	PAGE	LINE
3	7	3	9
3	14	3	17
4	23	5	11
5	17	7	14
9	3	12	3
12	8	13	11
15	14	15	16
15	24	18	11
18	25	20	13
20	19	26	22
27	14	30	8
30	12	30	19
30	23	32	13
34	6	46	3
46	9	49	13

LANCE BLAIR TAKEN ON OCTOBER 15, 2020

START		END	
PAGE	LINE	PAGE	LINE
70	22	108	4
120	19	126	1

MATTHEW BRYAN TAKEN AUGUST 18, 2020

START		END	
PAGE	LINE	PAGE	LINE
5	6	5	16
8	12	9	5
10	7	12	3
14	4	15	20
16	10	16	13
18	1	19	15
20	9	21	3
21	19	22	6
23	23	25	5
25	13	26	14
27	1	32	2
33	20	35	7
36	15	36	25
38	1	44	5
45	6	63	6
64	13	64	25
65	25	66	23
67	5	74	6
75	3	75	21
77	3	78	5
78	10	84	18
85	11	85	20
86	20	88	24
92	9	96	9
96	20	96	24
97	10	98	21
99	25	100	25
101	19	102	13
102	25	104	12
104	24	107	24
108	13	110	15
112	16	116	25

START		END	
PAGE	LINE	PAGE	LINE
117	13	118	17
119	23	120	5
121	7	127	4
127	16	129	1
129	9	133	25
136	4	136	25
138	6	138	17
139	10	140	15
142	16	151	6
153	13	154	22
156	19	158	4
158	23	160	9
160	22	161	3
162	4	167	11
168	4	168	16
170	21	171	10
177	3	181	15
191	6	191	22
193	15	200	14
203	24	204	16

DAVID CONNORS TAKEN ON NOVEMBER 12, 2020

START		END	
PAGE	LINE	PAGE	LINE
5	7	6	3
6	20	7	5
8	5	9	3
19	9	19	11
22	7	22	21
40	6	41	23
42	17	42	24
64	17	66	3
66	17	67	13

CAITLYN COOK TAKEN AUGUST 10, 2020

START		END	
PAGE	LINE	PAGE	LINE
5	6	5	10

START		END	
PAGE	LINE	PAGE	LINE
5	22	6	1
9	1	11	7
14	11	14	23
16	8	21	1
21	13	21	16
21	22	21	25
22	24	35	19
36	23	36	25
37	20	53	19
54	18	56	6
56	13	57	11
77	11	79	4
82	19	82	25
83	5	84	25
85	17	85	21
88	17	92	24
96	16	96	23
97	18	97	25
99	12	99	22
100	16	101	25
102	3	106	25
112	7	112	22

KEITH DOAK TAKEN ON JULY 22, 2020

START		END	
PAGE	LINE	PAGE	LINE
4	7	4	16
4	21	4	25
5	10	5	14
5	19	5	25
6	4	6	12
7	1	7	19
11	15	12	25
18	10	19	12
19	20	23	10
24	2	29	11
29	18	30	10
30	23	31	4
31	12	32	10

START		END	
PAGE	LINE	PAGE	LINE
32	15	33	2
33	12	33	21
34	2	34	10
35	7	36	25
41	18	42	7
48	7	48	11
49	5	50	25
57	4	57	20
59	7	59	24
60	12	60	22
61	9	61	13
62	1	63	3
63	16	63	19
64	6	64	15
65	16	65	22
76	20	77	10
77	19	78	22
83	16	83	22
84	16	85	4
85	12	85	23
96	6	98	8
98	14	98	25
102	25	104	8
105	1	106	25
108	5	109	19
114	7	116	8
120	23	121	7
122	13	124	11
126	12	129	19
129	24	130	6
133	2	133	18

AARON LEHNERT TAKEN ON NOVEMBER 12, 2020

START		END	
PAGE	LINE	PAGE	LINE
58	8	115	12
128	19	132	16

MATTHEW PETERSON TAKEN OCTOBER 5, 2020

START		END	
PAGE	LINE	PAGE	LINE
4	17	4	25
6	14	6	25
10	21	11	25
12	4	12	11
13	5	14	8
67	22	68	9
83	4	86	16

SCOT MORGASON TAKEN SEPTEMBER 18, 2020

START		END	
PAGE	LINE	PAGE	LINE
4	7	4	11
4	16	7	3
9	10	12	1
12	22	14	10
14	23	16	12
16	16	18	18
19	10	21	25
22	11	42	2
43	2	44	25
45	8	50	15
50	25	52	25
53	8	53	12
53	17	54	17
58	9	58	17

SEAN RAGLAND TAKEN ON OCTOBER 2, 2020

START		END	
PAGE	LINE	PAGE	LINE
5	7	5	9
6	2	6	6
6	13	7	7
11	5	11	21
14	5	16	1
16	14	17	9

START		END	
PAGE	LINE	PAGE	LINE
19	13	19	23
20	8	20	10
21	2	21	16
25	17	27	8
27	13	27	14
27	24	28	14
29	15	30	20
31	4	31	20
34	10	37	21
38	20	39	5
41	11	45	2
45	20	45	6
54	13	56	18
68	18	69	15
70	15	71	8
72	15	74	5
74	10	74	21
75	1	75	16
79	6	79	14
79	21	80	3
80	24	90	21
94	2	95	7
102	22	104	10
110	4	115	3
117	25	118	5
121	12	125	22

MICHELE SELF TAKEN AUGUST 18, 2020

START		END	
PAGE	LINE	PAGE	LINE
7	7	7	18
10	6	10	15
10	20	10	22
12	23	17	13
18	13	18	25
19	9	24	6
25	24	35	18
36	17	37	6
38	4	41	23

START		END	
PAGE	LINE	PAGE	LINE
42	4	42	21
43	3	43	16
43	22	44	10
44	25	45	9
46	17	47	7
47	21	48	21
49	4	51	23
53	12	53	17
55	20	56	12
59	16	67	24
68	6	69	1
69	11	71	17
72	7	73	11
74	19	78	7
80	19	82	15
83	14	85	8
87	4	87	12
88	5	89	5
89	10	90	3
90	10	91	22
92	17	94	19
95	9	96	19
97	5	98	10
99	9	99	14
100	12	101	18
102	9	102	19
103	6	103	10
104	25	106	4
107	2	115	8
146	21	147	23
149	21	150	9
151	9	152	19
153	5	154	25
160	10	161	21
165	14	166	23
167	6	167	24
170	11	170	22
171	23	174	16
175	4	176	13
181	5	182	7

NICOLE JEANETTE SHIELDS TAKEN ON JULY 21, 2020

START		END	
PAGE	LINE	PAGE	LINE
5	7	5	20
6	5	6	13
8	14	8	23
9	9	9	11
9	15	9	25
11	23	12	24
13	10	14	19
15	1	15	12
16	2	16	23
19	14	20	25
22	9	29	3
29	9	31	18
34	22	36	12
42	4	42	6
43	19	49	2
50	22	50	25
51	7	51	16
51	25	52	12
53	1	54	10
54	22	56	7
56	18	56	22
58	12	59	12
60	8	64	25
66	23	67	22
68	17	69	9
69	23	70	25
71	4	74	19
76	3	76	25
77	20	78	16
79	22	80	5
81	4	81	12
83	12	85	17
86	6	88	19
89	6	89	19
90	18	90	25
92	11	92	21
93	14	95	22
96	21	96	25
97	17	98	5

START		END	
PAGE	LINE	PAGE	LINE
99	11	101	3
101	7	101	20
101	24	102	11
103	1	108	20
109	10	109	11
109	17	109	18
110	9	110	15
113	10	113	17
116	18	116	20
122	1	123	22
127	10	128	22
130	1	130	5
131	7	132	6
133	6	138	17
139	1	140	23
141	1	143	8
145	12	147	5
152	9	153	10
153	22	154	23
155	1	155	10
157	1	158	7
162	24	164	20
165	22	171	15
174	2	174	19
175	8	177	14
183	12	185	4
186	4	186	18
187	22	192	8
193	1	196	25
198	18	202	25
204	14	205	2
211	4	211	16
213	1	214	15
218	6	219	3
220	15	220	22
221	11	223	17
227	11	228	10

MARK TRIGILIO TAKEN ON AUGUST 20, 2020

START		END	
PAGE	LINE	PAGE	LINE
6	9	6	12
6	22	7	7
9	3	9	5
9	13	9	17
10	3	13	25
15	9	15	13
15	17	19	9
20	15	29	11
30	6	37	25
38	20	40	1
40	7	42	8
42	16	43	5
44	21	45	6
45	11	48	14
49	2	50	3
53	16	58	12
62	21	65	24
67	9	68	25
69	12	84	16
85	1	91	3
92	3	95	15
96	11	96	13
98	10	100	15
101	15	105	2
107	2	107	9
108	13	108	17
112	14	112	19
113	3	113	25
114	6	114	14
117	17	121	25
122	4	124	8
127	12	128	20
129	13	134	13
135	8	136	12
138	1	138	18
139	6	139	14
140	2	146	4
147	2	150	6
151	14	152	24

START		END	
PAGE	LINE	PAGE	LINE
153	7	154	11
155	7	157	12
159	22	160	5
160	15	162	7
163	5	165	25
166	9	166	25
168	2	168	11
171	3	174	7
174	16	176	1
179	12	182	7
183	19	188	4
189	13	196	16
198	15	202	4

EXHIBITS

The Rausers intend to introduce the following documents as exhibits at the trial of this matter:

NAME OF EXHIBIT	DEPO. EXHIBIT NO.
Notice of Depositions	1
Agency Agreement 6749-6760	3
Policy	4
FAQ 6033 – 6037	5
Erie Secure Underwriting Guidelines 6415-6439	6
Claim Note 4702	7
Underwriting Procedures Manual 6440-6624	8
Erie Secure Home Application	9
Comments Review Screen 903	10
Erie Website	15

NAME OF EXHIBIT	DEPO. EXHIBIT NO.
Comments Review Screenshot	16
Erie Agency Guide 6625-6748	17
MSB Reports	18
Hitson Application	19
Hitson Request for Quote	20
Email from Shields to Trigilio 6766	21
Email from Dan Zduski 6775	22
Email Large Loss 2139-2141	23
Trigilio to Shields 6785	24
Email from Shields to Zdunski 2148	25
Email from Trigilio to Shields 6786-6790	26
Email from Shields to Bates 6802-6803	28
Email from Cook to Trigilio 7005-7006	31
Email from Trigilio to Cook 7013-7015	32
Reservation of Rights Letter – Ragland	34
Supplemental Reservation of Rights	35
Erie’s Answer to Interrogatories	36
Michele Self Statement	37
Late Filed Builders’ Risk Endorsement	38
Email from Cook to Rauser 2040	39
Email from Cook to Trigilio 2041	40
Email from Trigilio to Bryan 2043	41

NAME OF EXHIBIT	DEPO. EXHIBIT NO.
Claim Note 4602	42
Pinnacle Documents	46
Email from Self to Rauser Enclosing Proposal	52
ErieSecure Home Application	53
Email to Matthew Bryan regarding Church Quote and Meeting	54
Caitlin Cook Resignation Email	57
Caitlin Cook Linked Bio	58
Caitlin Cook License	59
Caitlin Cook Emails 1-32	60
Michele Self Resignation Letter	61
Large Loss Report	65
Email from Self to Rauser regarding Auto / Hope Things are Going Smoothly with Home	66
Underwriter Screen Shots	67
Matthew Bryan Sworn Statement	69
Printout from Bryan Insurance Website "About Bryan Insurance Group"	70
Printout from Bryan Insurance Website "Homeowners"	71
LinkIn Bio	72
COPE Description	75
Claim Notes	76

NAME OF EXHIBIT	DEPO. EXHIBIT NO.
Photographs	79
Letter Enclosing Check for 2 Million	82
Policy and Procedure Manual	83
Proof of Loss	84
Claims Practices Guide TN	85
Drawings Excerpt	89
Exhibits Referenced at Daryll Martin Deposition	96A
Mahurin Reviewed Materials List	97
IRMI Builders Risk Checklist	98
Erie Builders Risk Application	99
Mahurin Report Pages 2-13	100
Expert Report of Daryll W. Martin Dated 10/26/2020 and all documents attached thereto and/or referenced therein	
Supplemental and Rebuttal Report of Daryll W. Martin Dated 11/23/2020 and all documents attached thereto and/or referenced therein	
Second Supplemental Report of Daryll W. Martin Dated 1/25/2021 and all documents attached thereto and/or referenced therein	
Expert Report of Brent Blalock Dated 10/26/2020 and all documents attached thereto and/or referenced therein	
Supplement #1 to Expert Report of Brent Blalock Dated 11/23/2020 and all documents attached thereto and/or referenced therein	

NAME OF EXHIBIT	DEPO. EXHIBIT NO.
Supplement #2 to Expert Report of Brent Blalock Dated 11/23/2020 and all documents attached thereto and/or referenced therein	
Rauser Expert Disclosures of Brent Blalock and Daryll Martin dated 10/26/2020	
Set of House Plans dated 12/8/15 Together with Structural Drawings S0.1 – S7.4 Bearing Stamp Date 1/4/16, a copy of which was provided by the Rausers to Sean Ragland as discussed in Ragland Deposition	
Complaint filed by Erie Insurance Company Against A&M Building and Contracting, Inc., et al. in the Blount County Circuit Court, Docket No. L-20758 on July 22, 2021	
Responses of Erie Insurance Company to Rausers' Second Set of Requests for Production dated 11/20/2020	

The Rausers may introduce the following documents as exhibits at the trial of this matter if the need arises:

NAME OF EXHIBIT	EXHIBIT NO.
Produced Jabber Records	13
Large Reserve Notification Summary 7104	14
Email from Laskowski to Trigilio Sending XL Spreadsheet 6805-6807	29
Bolton Documents 7569-7597	44
Building Permit	48
Email from Self to Rauser Enclosing Quote Sheet	49
Email from Rauser to Self Enclosing Completed Quote Sheet	50

NAME OF EXHIBIT	EXHIBIT NO.
Email from Alyssa Bartram to Michele Self regarding call from Claire Rauser	51
Michele Self License	62
Learning History	63
Hitson Secretary of State Documents	64
Photos	74
Enservio Inventory	80
Letters from Sean Ragland	81
Regulatory Awareness PowerPoint	86
Claire Rauser Notes Regarding Valuation Differences with Enservio	87
MJC Report	88
Matthew Peterson File	90A
Construction Agreement	90B
Email Insurance Quote Bates 11126-11134	91
11-12-20 A&M Building and Contracting Licenses Printout	92
Greco Report by Landes	93
Greco Invoices	94
Landes CV	95
All Expert Disclosures of Erie Insurance Company Dated 10/26/2020	

NAME OF EXHIBIT	EXHIBIT NO.
All Expert Disclosures of Third-Party Defendants Dated 10/26/2020	
Responses of Erie Insurance Company to Rausers' First Set of Interrogatories Dated 3/27/2020	
Responses of Erie Insurance Company to Rausers' First Set of Requests for Production of Documents Dated 4/28/2020	
Responses of Erie Insurance Company to Rausers' Second Set of Interrogatories Dated 10/26/2020	
Responses of Erie Insurance Company to Requests for Admission Dated 11/13/2020	
Responses of Hitson Insurance, Inc. to Rausers' First Set of Interrogatories and Requests for Production of Documents	
Any Documents Designated By Any Other Party	

Respectfully submitted this 27th day of September 2021.

s/David A. Draper
David A. Draper, Esq. (BPR #016067)
ddraper@lewisthomson.com
Jared S. Garceau, Esq. (BPR #033304)
jgarceau@lewisthomason.com

LEWIS, THOMASON, P.C.
One Centre Square, Fifth Floor
620 Market Street
Post Office Box 2425
Knoxville, TN 37901
(865) 546-4646
Attorneys for Defendant/Counter-Plaintiffs/Third-Party Plaintiffs
Claire Rauser and Carol Rauser

CERTIFICATE OF SERVICE

I hereby certify that on this the 27th day of September 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/David A. Draper
David A. Draper (BPR #016067)